REMARKS/ARGUMENTS

The applicant would like to acknowledge, with thanks, the Office Action of September 30, 2004. This Amendment and Response to Office Action is in response to the aforementioned Office Action. By this amendment, claim 1 has been amended and claims 12-18 have been added. If there are any other fees necessitated by this communication, please charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 72255/10436.

Rejections under 35 U.S.C. § 102

In the last Office Action, claims 1-11 were rejected as being anticipated based on U.S. Patent No. 6,771,956 to Beeler (*hereinafter* Beeler). The rejection was specifically based on Beeler teaching of a real-time testing unit for radio devices. The information from this testing can be displayed on the testing unit. Also, Beeler teaches to have communication between the testing unit and the network.

Independent claims 1 and 15, as currently amended, are directed to a handheld mobile wireless monitoring apparatus. Claim 7 is directed to a method of mobile monitoring with a handheld wireless monitoring apparatus. The apparatus has a wireless receiver for receiving a wireless signal across at least one wireless channel. The apparatus also has a user interface for enabling a user to observe and select a predetermined parameter of the wireless signal to be evaluated. The apparatus further comprises a processing circuit for evaluating the wireless signal that is responsive to the user interface to observe the predetermined parameter. The radio receiver, user interface and processing circuit are retained by an enclosure, dimensioned to be handheld by the user.

By contrast, the remote testing unit in Beeler does not have a radio receiver nor does it have a processing circuit for evaluating the wireless signal that is retained by the enclosure that is dimensioned to be handheld by the user. Referring to Fig. 2 of Beeler, the wireless signals are received by the mobile switching center (MSC) 12 and the evaluating of the wireless signals are performed by Unix System 26. Data from the diagnosis software is forwarded to the remote testing unit 22 of Beeler and displayed. The diagnoses software resides (and is executed) on the Unix System 26 (col. 5, lines 42-45), not at the remote testing unit as the claims of the present invention recite. The diagnosis software (running at the Unix System and not at the remote

testing unit) receives call data from the mobile switching center (MSC) 12 and evaluates the data (col. 5, lines 57-59, col. 6, line 46 - col. 7, line 7; "The diagnosis software scans and parses, in real time, the call data received from a cellular switch and sends the requested information to a remote display terminal to enable a technician to monitor (and diagnose) the radio environment of a cell..." col. 7, lines 37-41).

To summarize, the remote testing unit of Beeler does not have a receiver for receiving a wireless signal and merely displays data that is analyzed by diagnosis software elsewhere. Thus, Beeler does not teach all of the elements of claim 1.

In addition to the reasons just set forth for claim 1, claims 2, 19 and 17 recite that the wireless signals are operating under IEEE 802.11 protocols. By contrast Beeler is concerned with "cell-specific data" (col. 2, line 27; col. 2 line 41; and col. 2 lines 65-66). Therefore, in addition to the reasons set forth for claims 1, 7 and 15; claims 2, 9 and 17 are not anticipated by Beeler.

In addition to the reasons set forth for claim 1, claim 6, unamended from the original application, show further distinction between Beeler and the present invention. The present invention shows the ability to monitor WEP status as one of the parameters. WEP status is used for encryption purposes to provide added security. Beeler, on the other hand, states nothing in reference with handling encryption capabilities. Furthermore, newly added claims 12 and 13 recite that the user interface is adapted to receive a WEP key for the wireless signal and the processing circuit is configured to be responsive to the user interface receiving the WEP key to determine the WEP status of the wireless signal being monitored based on the received WEP key. Nothing in Beeler teaches this element. Claims 10 and 18 recite similar elements and are thus likewise not anticipated by Beeler.

Moreover, claims 2-6 and 12, 8-11 and 13-14 and 16-18 are dependent from independent claims 1, 7 and 15 respectively, therefore containing each and every element of independent claims 1, 7 and 15 respectively. Therefore, for the reasons already set forth for claims 1, 7 and 15; claims 2-6 and 12, 8-11 and 13, and 13-14 and 16-18 are also not anticipated by Beeler.

New claim 12 is directed as a method for discovering gaps in a signal. The subject matter of new claim is not new matter as it is disclosed on page 4, lines 21-25 of the original specification. The cited prior art shows no such system.

CONCLUSION

For the reasons just set forth, the claims as now pending are patentable over the cited prior art and should be in condition for allowance and a notice of allowance is respectfully requested. If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 72255/10436.

Respectfully submitted,
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